

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

UNITED STATES OF AMERICA,

Plaintiff,

v.

No. 10-cv-0238 WJ/SMV

**NICOLE HICKS; THE FINANCE CO. OF
N.M., INC.; CREDIT ACCEPTANCE CORP.;
LESLIE BECKER; LITTLE BOYS LLC;
ASHOK KAUSHAL; LITTLE INVS. LLC;
N.M. DEP'T OF WORKFORCE SOLUTIONS;
DEBORAH HICKS; GLEN HICKS;
and PATRICK H. PADILLA;**

Defendants.¹

ORDER TO SHOW CAUSE

THIS MATTER is before the Court sua sponte. On March 9, 2011, Defendant Ashok Kaushal, proceeding pro se, entered his appearance in this case. [Doc. 35]. On June 4, 2014, the Court entered its Initial Scheduling Order [Doc. 95] ("ISO"). In the ISO, the Court set a telephonic Rule 16 scheduling conference for August 5, 2014, at 9:30 a.m. and required the parties to submit a Joint Status Report and Provisional Discovery Plan ("JSR"). The notice of electronic filing for the ISO shows that it was mailed to Defendant Kaushal at the address provided by him in his notice of appearance.


¹ Defendant Kaushal is the only remaining defendant. The Finance Company of New Mexico was voluntarily dismissed. *See* [Doc. 44]. Default judgments have been entered against Defendants Credit Acceptance Corporation; Leslie Becker; Little Boys, LLC; Little Investments, LLC; Nicole Hicks; Deborah Hicks; and Glen Hicks. [Docs. 27, 28, 67, 68, 77, 90]. Defendants Bernalillo County Treasurer (formerly Patrick H. Padilla, now Manny Ortiz) and New Mexico Department of Workforce Solutions have entered into a stipulation with the United States resolving the claims against them. [Doc. 89].

On June 26, 2014, Plaintiff's counsel sent Defendant Kaushal another copy of the ISO via Federal Express along with a template of the JSR. *See* [Doc. 98-1]. According to Plaintiff's counsel, Defendant Kaushal participated in phone conferences regarding the drafting of the JSR. *See* [Docs. 96, 97]. However, Defendant Kaushal did not appear at the telephonic Rule 16 scheduling conference as ordered by the Court. [Doc. 97].

The Court notes that this is not Defendant Kaushal's first failure to appear for a scheduled hearing. Defendant Kaushal also failed to appear for telephonic status conferences set for January 9, 2014, and June 3, 2014. [Docs. 81, 94].

IT IS THEREFORE ORDERED that Defendant Kaushal shall file a written response by **August 12, 2014, at 5:00 p.m.** showing cause why Fed. R. Civ. P. 16 sanctions, including judgment against him, should not be imposed as a result of his failure and/or refusal to attend the Court's scheduled hearings. *See Ehrenhaus v. Reynolds*, 965 F.2d 916, 920–21 (10th Cir. 1992).

IT IS SO ORDERED.



STEPHAN M. VIDMAR
United States Magistrate Judge